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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,372	06/23/2003	Rex C. Donahey	1547520/58400	7479
26386	7590	03/10/2006		
DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C. THE FINANCIAL CENTER 666 WALNUT STREET SUITE 2500 DES MOINES, IA 50309-3993			EXAMINER ROBERTSON, TIARA S	
			ART UNIT 3635	PAPER NUMBER
DATE MAILED: 03/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,372	Applicant(s) DONAHEY ET AL.	
	Examiner Tiara S. Robertson	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08 August 2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 4, line 18, "Thes" should be "These".

On page 5, line 24, load transfer blocks are indicated as 24 on figures 1-3, but are not shown on the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. Claims 1-3, and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leleune et al. (2003/01 15822) in view of Presswalla et al. (4,627,203) and further in view of Valverde et al. (6,1 19,417), as stated in the previous office action mailed on 05/03/2005.

Claims 4 and 7-1 1 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leleune et al. (2003/01 15822) in view of Presswalla et al. (4,627,203) and Valverde et al. (6,119,417) and further in view of Joannes (4.157,640), as stated in the previous office action mailed on 05/03/2005.

Response to Arguments

2. Applicant's arguments filed 8/08/05 have been fully considered but they are not persuasive.

In response to the applicant's arguments, LeJeune et al. discloses a concrete panel having a first and second concrete layer with an insulation layer in between the first and second layer and a plurality of concrete connectors. LeJeune et al. discloses concrete portions extending between the first and second concrete layers, thereby interconnecting the first and second concrete layer through the insulation layer and serving as a connector. LeJeune et al. does not specifically disclose that the concrete connector transmits structural forces between the two concrete layers to provide a composite wall panel but it is well known to one of ordinary skill in the art that when a load is applied, a connector, of any sort, located between two panels will transmit some load between the two panels. It is also argued that the connectors, as described by the applicant, provide low thermal conductivity; however, there are no thermal characteristics of the connectors specified in the claims.

Regarding the post-tensioned tendons, it is argued that Valverde teaches that post-tensioned and pre-tensioned structural systems can be interchanged and still provide the same function but does not teach that post-tensioned and pre-tensioned tendons can be interchanged. It obvious to one skilled in the art that structural system are labeled post-tension or pre-tensioned because they include post-tensioned or pre-tensioned tendons...these tendons are what make a

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structural system post-tensioned or pre-tensioned. If pre-tensioned and post-tension systems can be used interchangeably, then it is obvious that pre-tensioned and post-tendon tendons can be used interchangeably as well and still perform the same function.

Regarding claims 2, 3, 4, and 6, it was never stated in the previous office action that LeJeune teaches the use of end anchorages. The anchorage limitation was rejected on the common knowledge of one having ordinary skill in the art, that end anchors are needed in post-tensioned system to maintain the tension in the tendons and to transfers the force from the tendons to the concrete layers.

Regarding claims 7-10, the method as claimed gives no indication that the construction steps are to be performed in a specific order.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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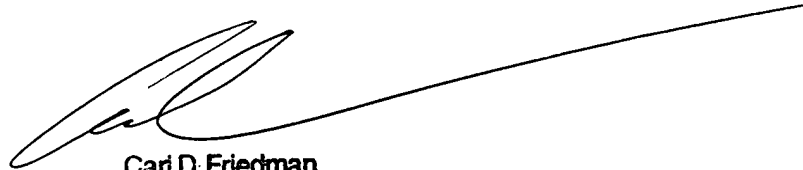
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSR
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2/28/06



Carl D. Friedman
Supervisory Patent Examiner
Group 3600